

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:10CR205-MOC

UNITED STATES OF AMERICA)	
)	
v.)	MONEY JUDGMENT AND
)	PRELIMINARY ORDER
JASON MARK STEWART.)	OF FORFEITURE

THIS MATTER IS BEFORE THE COURT on the Government’s “Motion for Money Judgment and Preliminary Order of Forfeiture” (Document No. 12).

THIS COURT FINDS AS FOLLOWS:

1. In the Bill of Indictment (Doc. 1) in this case, the Grand Jury charged Defendant with violations of 18 U.S.C. §§ 2113 and 924. The Indictment also provided notice that property was subject to forfeiture pursuant to 18 U.S.C. §§ 924 and 981, and 28 U.S.C. § 2461(c).

2. Defendant pled guilty to the 18 U.S.C. §§ 2113 and 924 offenses set forth in the Indictment (Doc. 11).

3. The Government attached to its Motion for Money Judgment and Preliminary Order of Forfeiture an Affidavit setting forth that \$86,000 constituted the proceeds of the Section 2113 offense for purposes of a money judgment, that \$23,595 in funds seized during the course of this investigation constituted the proceeds of the Section 2113 offense for purposes of a preliminary order of forfeiture, and that one Colt Detective Special firearm, Serial Number C52264, and ammunition seized during the course of the investigation constituted property used in violation of Sections 2113 and 924 for purposes of a preliminary order of forfeiture.

4. For purposes of Fed. R. Crim. P. 32.2 and based on the Indictment, plea of guilty, Motion for Money Judgment and Preliminary Order of Forfeiture and Affidavit in Support of

Motion for Money Judgment and Preliminary Order of Forfeiture, the Government has established the amount of money judgment and the requisite nexus between the properties identified herein and offenses.

IT IS THEREFORE ORDERED that, based upon 18 U.S.C. § 981 and 28 U.S.C. § 2461(c), this Order shall constitute a money judgment for the following property:

All currency and monetary instruments constituting or derived from proceeds traceable to the Section 2113 offense and in the sum of \$86,000.

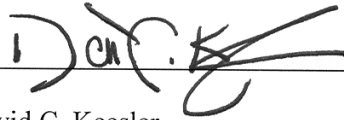
In addition, based upon 18 U.S.C. §§ 924 and 981, and 28 U.S.C. § 2461(c), this Order shall constitute a preliminary order of forfeiture for the following property

\$23,595 in funds seized during the course of the investigation; and

One Colt Detective Special firearm, Serial Number C52264, and ammunition seized during the course of the investigation.

The Federal Bureau of Investigation, United States Marshals Service, and/or other property custodian for the investigative agency is authorized to seize and maintain possession of all specifically identified properties herein. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of this forfeiture. any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest. To the extent that this Order constitutes a preliminary order of forfeiture of specific properties, upon adjudication of all third-party interests, this Court will enter a final order and judgment of forfeiture. If a final order of forfeiture issues against the \$23,595 in seized funds, then the funds shall be credited against the \$86,000 outstanding forfeiture money judgment.

Signed: August 9, 2011



David C. Keesler
United States Magistrate Judge

